

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

DANAHER CORPORATION,

Plaintiff,

vs.

THE TRAVELERS INDEMNITY  
COMPANY, et al.,

Defendants.

**Case No. 10-CIV 0121 (JPO) (JCF)**

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE** that, pursuant to the June 10, 2014 Order, the undersigned, attorneys for plaintiff Danaher Corporation and third-party defendant Atlas Copco North America LLC (collectively, “Movants”), shall move before the Honorable James C. Francis IV, U.S.M.J., at the United States Courthouse, 500 Pearl Street, New York, New York, on a date and time to be determined by the Court, for an Order that defendants The Travelers Indemnity Company and Travelers Casualty & Surety Company, f/k/a The Aetna Casualty & Surety Company (collectively, “Travelers”) must reimburse all of Movants’ legal fees and costs incurred as a result of Travelers’ breach of its duty to defend and pay pre-judgment interest.

**PLEASE TAKE FURTHER NOTICE** that in support of this motion, Movants shall rely on their Brief, the Certification of Brian J. Osias, and the Declaration of Teresa Bohne-Huddleston filed simultaneously herewith.

**PLEASE TAKE FURTHER NOTICE** that Movants respectfully request oral argument.

Dated: August 1, 2014

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